

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
:
MICHAEL PICARELLA, :

Plaintiff, :

14-cv-4463 (ALC) (AJP)

-against- :

HSBC SECURITIES (USA), INC., :

Defendant. :

----- X
:
DECLARATION OF JAMES R. HUBBARD IN OPPOSITION
TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

James R. Hubbard declares, pursuant to 28 U.S.C. §1746, under penalty of perjury, that the following is true and correct:

1. I am a partner in the law firm of Liddle & Robinson, L.L.P., 800 Third Avenue, 8th Floor, New York, New York 10022. I am admitted to practice in the State of New York and this Court. I submit this declaration in support of Plaintiff Michael Picarella's Opposition to Defendant's Motion for Summary Judgment in this action, dated July 17, 2015.

2. Attached as Exhibit 1 is a true and correct copy of a Declaration of Michael Picarella, dated July 14, 2015.

3. Attached as Exhibit 2 is a true and correct copy of relevant excerpts of the deposition transcripts of Michael Picarella, dated March 31, 2015 and May 12, 2015.

4. Attached as Exhibit 3 is a true and correct copy of a Declaration of Brian Goldwasser, dated July 8, 2015.

5. Attached as Exhibit 4 is a true and correct copy of relevant excerpts of the deposition transcript of Didier Descamps, dated May 15, 2015.

6. Attached as Exhibit 5 is a true and correct copy of relevant excerpts of the deposition transcript of Eileen Hedges, dated May 13, 2015.

7. Attached as Exhibit 6 is a true and correct copy of relevant excerpts of the deposition transcript of Michael Karam, dated April 21, 2015.

8. Attached as Exhibit 7 is a true and correct copy of relevant excerpts of the deposition transcript of Matthew Kutas, dated April 16, 2015.

9. Attached as Exhibit 8 is a true and correct copy of relevant excerpts of the deposition transcript of Maria Malanga, dated May 18, 2015.

10. Attached as Exhibit 9 is a true and correct copy of relevant excerpts of the deposition transcript of Ian Mullen, dated April 27, 2015.

11. Attached as Exhibit 10 is a true and correct copy of relevant excerpts of the deposition transcript of Jane Doe, dated May 29, 2015.

12. Attached as Exhibit 11 is a true and correct copy of relevant excerpts of the deposition transcript of James Rist, dated May 14, 2015.

13. Attached as Exhibit 12 is a true and correct copy of relevant excerpts of the deposition transcript of Susan Roskell, dated May 6, 2015.

14. Attached as Exhibit 13 is a true and correct copy of relevant excerpts of the deposition transcript of Daniel Silber, dated April 17, 2015.

15. Attached as Exhibit 14 is a true and correct copy of HSBC's Anti-Harassment Policy, dated January 15, 2015, and bearing Bates Numbers HSBCPIC-RIST00000008-12.

16. Attached as Exhibit 15 is a true and correct copy of the 2009 Barclays Year End Downward Appraisal of Michael Picarella, dated February 3, 2010, and bearing Bates Numbers BARC_000007-13.

17. Attached as Exhibit 16 is a true and correct copy of the 2011 HSBC Mid Year Manager Review of Michael Picarella, Discussion Date of August 17, 2011, and bearing Bates Numbers HSBCPIC00000095-99.

18. Attached as Exhibit 17 is a true and correct copy of an email from Eileen Hedges to Christina L. Baldwin, dated November 10, 2011, and bearing Bates Number HSBCDLTDOC-00011476.

19. Attached as Exhibit 18 is a true and correct copy of Michael Picarella's Lotus Notes Calendar, dated November 2011 through June 2014, and bearing Bates Numbers 001829-1911.

20. Attached as Exhibit 19 is a true and correct copy of an email from Michael Picarella to Kevin Freer, dated December 16, 2011, and bearing Bates Numbers Picarella000636-645.

21. Attached as Exhibit 20 is a true and correct copy of the 2011 HSBC Year End Manager Review of Michael Picarella, Discussion Date of December 21, 2011, and bearing Bates Numbers HSBCPIC00000106-107.

22. Attached as Exhibit 21 is a true and correct copy of Michael Picarella's 2011 HSBC Year End Self-Assessment bearing Bates Numbers HSBCPIC00002003-2004

23. Attached as Exhibit 22 is a true and correct copy of an email from Michael Picarella to Eileen Hedges, dated April 2, 2012, and bearing Bates Number HSBCPIC00000943.

24. Attached as Exhibit 23 is a true and correct copy of a Calendar Entry Notice, dated April 23, 2012, and bearing Bates Number HSBCPIC00005234.

25. Attached as Exhibit 24 is a true and correct copy of a Calendar Entry Notice, dated April 30, 2012, and bearing Bates Number HSBCPIC00004918.

26. Attached as Exhibit 25 is a true and correct copy of an email from Sue Jang to Ellen Weiss, dated May 7, 2012, and bearing Bates Number HSBCPIC-RIST00002696.

27. Attached as Exhibit 26 is a true and correct copy of a Sametime Chat between Margaret Murray and Eileen Hedges, dated May 31, 2012, and bearing Bates Number HSBCDLTDOC-00000022.

28. Attached as Exhibit 27 is a true and correct copy of Discussion Notes with Eileen Hedges and Sue Jang, dated July 24, 2012, and bearing Bates Number HSBCPIC-RIST00002202.

29. Attached as Exhibit 28 is a true and correct copy of a Final Written Warning, dated August 27, 2012, and bearing Bates Number HSBCPIC-RIST00002203.

30. Attached as Exhibit 29 is a true and correct copy of an email from Michael Picarella to Mary Bilbrey, dated September 18, 2012, and bearing Bates Number HSBCPIC00006315.

31. Attached as Exhibit 30 is a true and correct copy of a Record of Investigation, dated September 24, 2012, and bearing Bates Numbers HSBCPIC00012481-12486.

32. Attached as Exhibit 31 is a true and correct copy of a 2012 HSBC Mid Year Manager Review of Michael Picarella, Discussion Date of September 24, 2012, and bearing Bates Numbers HSBCPIC00000100-105.

33. Attached as Exhibit 32 is a true and correct copy of a Sametime Chat between Maria Malanga and Laura Kane, dated September 26, 2012, and bearing Bates Number HSBC-ST00000062.

34. Attached as Exhibit 33 is a true and correct copy of an email from Michael Picarella to Maria Malanga, dated October 4, 2012, and bearing Bates Numbers Picarella002429-2430.

35. Attached as Exhibit 34 is a true and correct copy of an email from Michael Picarella to Mary Bilbrey, Maria Malanga, and Debra Harmon, dated October 11, 2012, and bearing Bates Numbers HSBCPIC00000001-9.

36. Attached as Exhibit 35 is a true and correct copy of an email from Suzy White to Michael Picarella, dated December 18, 2012, and bearing Bates Numbers HSBCPIC00002319-2325.

37. Attached as Exhibit 36 is a true and correct copy of an email from Michael Picarella to Mary Bilbrey, dated January 16, 2013, and bearing Bates Number HSBCPIC00004943.

38. Attached as Exhibit 37 is a true and correct copy of an email from Michael Picarella to Mary Bilbrey, dated January 17, 2013, and bearing Bates Number HSBCPIC00004944.

39. Attached as Exhibit 38 is a true and correct copy of an email from Michael Picarella to Mary Bilbrey, dated January 18, 2013, and bearing Bates Number Picarella002836.

40. Attached as Exhibit 39 is a true and correct copy of an email from Michael Anthony to Carol Jenner, dated February 7, 2013, and bearing Bates Numbers HSBCPIC00006520-6521.

41. Attached as Exhibit 40 is a true and correct copy of an email from Michael O'Leary to Carol Jenner, dated February 8, 2013, and bearing Bates Number HSBCPIC00006529.

42. Attached as Exhibit 41 is a true and correct copy of an email from David Wilens to Carol Jenner, dated February 10, 2013, and bearing Bates Numbers HSBCPIC00006526-6527.

43. Attached as Exhibit 42 is a true and correct copy of an email from Raul Valdes to Carol Jenner, dated February 11, 2013, and bearing Bates Number HSBCPIC00006528.

44. Attached as Exhibit 43 is a true and correct copy of an email from Dan Bliss to Carol Jenner, dated February 11, 2013, and bearing Bates Numbers HSBCPIC00006520-6521.

45. Attached as Exhibit 44 is a true and correct copy of an email from Sandra Nicotra to Carol Jenner, dated February 12, 2013, and bearing Bates Numbers HSBCPIC00006523-6525.

46. Attached as Exhibit 45 is a true and correct copy of an email from Paul Lashmet to Carol Jenner, dated February 13, 2013, and bearing Bates Number HSBCPIC00006535.

47. Attached as Exhibit 46 is a true and correct copy of a Departmental Organizational Chart for Global Market Sales, dated March 2013, and bearing Bates Numbers HSBCPIC-RIST00000537-562.

48. Attached as Exhibit 47 is a true and correct copy of an email from Michael Picarella to Mary Bilbrey, dated March 13, 2013, and bearing Bates Numbers HSBCPIC00012859-12860.

49. Attached as Exhibit 48 is a true and correct copy of an email from Michael Picarella to Carlos Pizzimbono cc Carol Jenner and Mary Bilbrey, dated April 23, 2013, and bearing Bates Numbers HSBCPIC00005068-5069.

50. Attached as Exhibit 49 is a true and correct copy of an email from Michael Picarella to Michael Picarella cc Mary Bilbrey, dated April 24, 2013, and bearing Bates Numbers HSBCPIC00003183-3184.

51. Attached as Exhibit 50 is a true and correct copy of Picarella's Charge of Discrimination against HSBC (USA) Securities, Inc., dated June 27, 2013, and bearing Bates Numbers Picarella00149-161.

52. Attached as Exhibit 51 is a true and correct copy of the 2012 HSBC Year End Manager Review of Michael Picarella, Discussion Date of May 13, 2013, and bearing Bates Numbers HSBCPIC00000108-114.

53. Attached as Exhibit 52 is a true and correct copy of a Sametime Chat between Carol Jenner and Michael Karam, dated June 7, 2013, and bearing Bates Number HSBC-ST00001575.

54. Attached as Exhibit 53 is a true and correct copy of a Sametime Chat between Carol Jenner and Michael Karam, dated July 2, 2013, and bearing Bates Numbers HSBC-ST00001567-1568.

55. Attached as Exhibit 54 is a true and correct copy of an email from Michael Karam to Michael Picarella, dated September 23, 2013, and bearing Bates Numbers HSBCPIC00004954-4958.

56. Attached as Exhibit 55 is a true and correct copy of an email from Michael Picarella to Mary Bilbrey and Stuart Alderoty cc Michael Karam, dated September 23, 2013, and bearing Bates Numbers HSBCPIC00004945-4953.

57. Attached as Exhibit 56 is a true and correct copy of an email from Michael Karam to Michael Picarella, dated September 27, 2013, and bearing Bates Numbers HSBCPIC00004965-4973.

58. Attached as Exhibit 57 is a true and correct copy of an email from Michael Karam to David Rose, dated October 17, 2013, and bearing Bates Numbers HSBCPIC00005884-5886.

59. Attached as Exhibit 58 is a true and correct copy of an email from Michael Picarella to Mary Bilbrey, dated November 25, 2013, and bearing Bates Number HSBCPIC00001727.

60. Attached as Exhibit 59 is a true and correct copy of the 2013 HSBC Mid Year Manager Review of Michael Picarella, Discussion Date of December 10, 2013, and bearing Bates Numbers HSBCPIC00000122-126.

61. Attached as Exhibit 60 is a true and correct copy of an email from Michael Karam to Michael Picarella, dated January 8, 2014, and bearing Bates Numbers HSBCPIC00001156-1167.

62. Attached as Exhibit 61 is a true and correct copy of an email from Michael Karam to Michael Karam and Kartik Krishnamoorthy, dated January 29, 2014, and bearing Bates Numbers HSBCPIC00006016-6026.

63. Attached as Exhibit 62 is a true and correct copy of an email from Sue Jang to Ellen Weiss, Jenny Park, and Jennifer Wang, dated May 14, 2014, and bearing Bates Number HSBCPIC00007072.

64. Attached as Exhibit 63 is a true and correct copy of the 2013 HSBC Year End Manager Review of Michael Picarella, Discussion Date of May 16, 2014, and bearing Bates Numbers HSBCPIC00000127-130.

65. Attached as Exhibit 64 is a true and correct copy of an email from Michael Karam to Michael Picarella, dated May 23, 2014, and bearing Bates Number HSBCPIC00005079.

66. Attached as Exhibit 65 is a true and correct copy of an email from Michael Karam to Michael Picarella, dated September 22, 2014, and bearing Bates Numbers HSBCPIC00006172-6173.

67. Attached as Exhibit 66 is a true and correct copy of an email from Michael Picarella to Michael Karam, dated September 24, 2014, and bearing Bates Numbers HSBCPIC00006172-6173.

68. Attached as Exhibit 67 is a true and correct copy of an email from Michael Picarella to Mary Bilbrey, dated October 20, 2014, and bearing Bates Numbers HSBCPIC00002278-2284.

69. Attached as Exhibit 68 is a true and correct copy of the 2014 HSBC Mid Year Manager Review of Michael Picarella, Discussion Date of November 21, 2014, and bearing Bates Numbers HSBCPIC00000079-85.

70. Attached as Exhibit 69 is a true and correct copy of an email from Michael Picarella to Mary Bilbrey cc James Hubbard, dated November 24, 2014, and bearing Bates Number HSBCPIC00004984.

71. Attached as Exhibit 70 is a true and correct copy of the Record of Investigation, dated November 25, 2014, and bearing Bates Numbers HSBCPIC00005457-5458.

72. Attached as Exhibit 71 is a true and correct copy of an email from Maria Malanga to Michael Picarella, dated November 26, 2014, and bearing Bates Number HSBCPIC00004985-4987.

73. Attached as Exhibit 72 is a true and correct copy of Picarella's 2014 HSBC Mid Year Manager Review Response, dated November 26, 2014, and bearing Bates Number Picarella005545-5564.

74. Attached as Exhibit 73 is a true and correct copy of an email from Michael Picarella to Mary Bilbrey and Maria Malanga, dated December 1, 2014, and bearing Bates Number HSBCPIC00007465-7467.

75. Attached as Exhibit 74 is a true and correct copy of the NY Post article "The Bank is closed for HSBC sex-harass accuse," dated December 12, 2014.

76. Attached as Exhibit 75 is a true and correct copy of a letter from Damien Marshall to James Hubbard, dated January 15, 2015.

77. Attached as Exhibit 76 is a true and correct copy of the NY Post article "HSBC singles out worker for leaks: sources," dated February 11, 2015.

78. Attached as Exhibit 77 is a true and correct copy of a letter from Susan Roskell to Michael Picarella, dated March 26, 2015.

79. Attached as Exhibit 78 is a true and correct copy of a Barclays employment document for Michael Picarella, bearing Bates Number BARC_000024.

80. Attached as Exhibit 79 is a true and correct copy of the 2010 Barclays Mid Year Downward Appraisal of Michael Picarella, dated July 19, 2010, and bearing Bates Numbers BARC_000014-18.

81. Attached as Exhibit 80 is a true and correct copy of an email from Michael Picarella to Ellen Weiss, dated July 1, 2012, and bearing Bates Numbers HSBCPIC00001702-1703.

82. Attached as Exhibit 81 is a true and correct copy of an email from Michael Picarella to Ellen Weiss cc Michael Picarella, dated July 26, 2012, and bearing Bates Numbers Picarella002341-2346.

83. Attached as Exhibit 82 is a true and correct copy of an email from Michael Picarella to Maria Malanga, dated October 2, 2012, and bearing Bates Numbers PIC052887-52889.

84. Attached as Exhibit 83 is a true and correct copy of an email from Michael Karam to Michael Picarella, dated September 26, 2014, and bearing Bates Numbers HSBCPIC00006209-6212.

85. Attached as Exhibit 84 is a true and correct copy of an email from Michael Picarella to Michael Karam, dated October 6, 2014, and bearing Bates Numbers HSBCPIC00006209-6212.

86. Attached as Exhibit 85 is a true and correct copy of an email from Michael Karam to Michael Picarella, dated October 8, 2014, and bearing Bates Numbers HSBCPIC00002451-2456.

87. Attached as Exhibit 86 is a true and correct copy of an email from Michael Picarella to Michael Karam, dated October 8, 2014, and bearing Bates Numbers HSBCPIC00002444-2450.

88. Attached as Exhibit 87 is a true and correct copy of an email from Michael Karam to Michael Picarella, dated October 9, 2014, and bearing Bates Numbers HSBCPIC00002480-2487.

89. Attached as Exhibit 88 is a true and correct copy of an email from Michael Picarella to Michael Karam and Maria Malanga, dated October 10, 2014, and bearing Bates Numbers HSBCPIC00006189-6191.

90. Attached as Exhibit 89 is a true and correct copy of an email from Maria Malanga to Michael Picarella, dated October 9, 2012, and bearing Bates Numbers Picarella002483-2487.

91. Attached as Exhibit 90 is a true and correct copy of a letter from James Hubbard to Damien Marshall, dated December 19, 2014.

92. Attached as Exhibit 91 is a true and correct copy of a Sametime chat between Eileen Hedges and Christina Baldwin, dated November 14, 2011, and bearing Bates Number HSBCDLTDOC-00021690.

93. Attached as Exhibit 92 is a true and correct copy of an email from Mary Bilbrey to Michael Picarella, dated March 20, 2013, and bearing Bates Numbers HSBCPIC00012859-12860.

94. Attached as Exhibit 93 is a true and correct copy of an email from Michael Picarella to Patrick Brady, dated February 13, 2013, and bearing Bates Numbers HSBCPIC00004456-4459.

95. Attached as Exhibit 94 is a true and correct copy of an email from Michael Picarella to Michael Karam cc Mary Bilbrey, dated May 2, 2014, and bearing Bates Numbers HSBCPIC00002244-2250.

96. Attached as Exhibit 95 is a true and correct copy of a GB&M Suitability and Dodd-Frank Chart, dated August 2012, and bearing Bates Numbers Picarella004820-4826.

Dated: New York, New York
July 17, 2015

/s/ James R. Hubbard
James R. Hubbard
LIDDLE & ROBINSON, L.L.P.
800 Third Avenue
New York, New York 10022
Phone: (212) 687-8500
Facsimile: (212) 687-1505
jhubbard@liddlerobinson.com